

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2014 JUL 16 PM 2:15

DEPUTY CLERK

HENRY SEBASTIAN ROHDEN,

Petitioner,

V.

WILLIAM STEPHENS, Director,
Texas Department of Criminal Justice
Correctional Institutions Division,

Respondent.

[illegible]

2:13-CV-166

ORDER ADOPTING REPORT AND RECOMMENDATION
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner has filed with this Court a petition for a federal writ of habeas corpus challenging a 1993 conviction and the resultant 10-year sentence which has been fully served and discharged. On June 20, 2014, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's habeas application be dismissed for lack of subject matter jurisdiction because petitioner is not "in custody" under the 1993 conviction or sentence. The Magistrate Judge further recommended petitioner's habeas application be dismissed as time-barred. As of this date, petitioner has not filed objections to the Magistrate Judge's Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by HENRY SEBASTIAN ROHDEN is DISMISSED.

IT IS SO ORDERED.

ENTERED this 16 day of July 2014.

MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE